

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL MEMORANDUM**

**HB 2141 – SB 2114**

May 18, 2009

**SUMMARY OF AMENDMENT (008677):** Deletes all language after the enacting clause. Requires each judge of a circuit, chancery, criminal, or other state trial court of record to be elected to an eight-year term in a contested election held at the regular August election in 2014 and at each regular August election every eight years thereafter. Establishes procedures for filling judicial vacancies that occur during the term of office. Deletes the Judicial Selection Commission (JSC) in its entirety. Reestablishes the Judicial Evaluation Commission (JEC) composed of 12 members and extends the sunset provision for the JEC to June 15, 2015. Proposes a mechanism for a limited constitutional convention to consider altering or reforming the following sections of the Tennessee Constitution: Article VI, Sections 3 and 4 relative to the method for choosing appellate court judges. Requires to be submitted to the voters at the regular August election, the question of calling a limited constitutional convention, electing delegates to the convention at the regular November election, and holding an election on whether to ratify any proposed amendments passed by the convention.

**FISCAL IMPACT OF ORIGINAL BILL:**

Decrease State Expenditures - \$3,000

A more precise cost estimate is not possible because the Administrative Office of the Courts has not provided any information to assist in the preparation of this fiscal note.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Expenditures – Net Impact – Not Significant**

**Other Fiscal Impact – There will be a recurring reduction in state expenditures of \$33,000 from replacing the Judicial Selection Commission with the Judicial Evaluation Commission. There will be a one-time increase of \$20,000 in state expenditures for state-wide publication of notice of the constitutional convention call in FY09-10 by the Secretary of State. In FY09-10, \$13,000 will be allocated to the**

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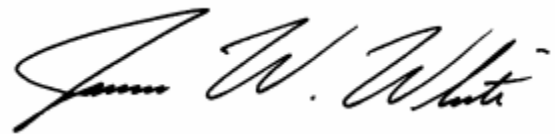
**Administrative Office of the Courts (AOC) to enhance the effectiveness of the Judicial Evaluation Commission. In FY10-11 and subsequent years, \$33,000 will be allocated to the AOC to enhance the effectiveness of the Commission. The net impact of these changes on state expenditures is not significant.**

Assumptions applied to amendment:

- A cost of \$20,000 to publish notices in the newspaper in each county.
- Election expenses will be minimal, since the question of calling a convention and electing delegates will be placed on the regular August and November election ballots.
- According to the Administrative Office of the Courts, the costs associated with the JSC for 2007 were \$20,802.88 and \$45,094.08 for 2008 resulting in a two-year average of \$32,948.48.
- The number of members of the JEC remains the same.
- The estimated cost of holding a constitutional convention with 27 delegates to consider the issues contained in the bill is as follows: 15 days - \$131,803 (\$171 per diem plus \$154.44 mileage x 27 delegates = \$131,803.20); 20 days - \$175,738 (\$171 per diem plus \$154.44 x 27 delegates = \$175,737.60); and 30 days - \$263,606 (\$171 per diem plus \$154.44 x 27 delegates = \$263,606.40). The estimated cost to hold a statewide referendum that is not conducted in conjunction with a statewide election is approximately \$4,000,000.

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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